

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY L. WILSON,

Petitioner,

v.

CASE NO. 2:09-CV-12939
HONORABLE PATRICK J. DUGGAN

HUGH WOLFENBARGER,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

At a session of said Court, held in the U.S. District
Courthouse, City of Detroit, County of Wayne,
State of Michigan on September 4, 2009

PRESENT: HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This matter is before the Court on Petitioner's motion for appointment of counsel. Petitioner has filed his habeas petition, but Respondent has not yet filed an answer to the petition or the state court record. Those materials are due on February 2, 2010.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d

1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). As noted, Petitioner has submitted his petition in support of his claims, and Respondent has not yet filed an answer to the petition. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c).

Accordingly, the Court **DENIES** Petitioner's motion for appointment of counsel. The Court will bear in mind Petitioner's request if, upon further review of the pleadings, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

SO ORDERED.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: September 4, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 4, 2009, by electronic and/or ordinary mail.(Terry Wilson #137914, 34625 26 Mile Rd. New Haven, MI 48048)

s/Marilyn Orem
Case Manager